

United States District Court  
For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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MATT TEGLIA,

No. C 17-00014 WHA

Plaintiff,

v.

**ORDER RE STIPULATION  
ALLOWING PLAINTIFF TO  
FILE AMENDED COMPLAINT**

FEDEX GROUND PACKAGE SYSTEM,  
INC., *et al.*,

Defendants.

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On March 29, plaintiff in this action filed a “Stipulation and [Proposed] Order Allowing Plaintiff to File First Amended Complaint” (Dkt. No. 17). On the same day, and without waiting for court action on the proposed order, plaintiff also filed the amended complaint (Dkt. No. 18). It is unclear whether plaintiff purports to amend “with the opposing party’s written consent” or seeks to amend “with . . . the court’s leave.” *See* F.R.C.P. 15(a)(2). The stipulation itself — spanning two pages inexplicably separated by a copy of the amended complaint — seems to indicate that defendants have consented to the amendment. The stipulation, however, fails to comply with Civil Local Rule 5-1(i), which requires plaintiff’s counsel to “attest that concurrence in the filing of the document has been obtained from” defense counsel.

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Insofar as plaintiff’s filing is a stipulated request for leave to file an amended complaint, it is **DENIED**. If plaintiff wishes to amend the complaint, then plaintiff’s counsel must file a

1 corrected stipulation or request that fully complies with the Federal Rules of Civil Procedure  
2 and our Local Rules.

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4 **IT IS SO ORDERED.**

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6 Dated: March 30, 2017.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE